

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ZACHARY GREENBERG,

Plaintiff,

v.

No. 2:20-cv-03822-CFK

JOHN P. GOODRICH, in his official capacity as Board
Chair of The Disciplinary Board of the Supreme Court
of Pennsylvania, *et al.*

Defendants.

NOTICE OF SUBSTITUTION OF NAMED PARTIES

Pursuant to Federal Rule of Civil Procedure 25(d), “when a public officer who is a party in an official capacity...ceases to hold office while the action is pending,” “[t]he officer’s successor is automatically substituted.” Plaintiff Zachary Greenberg hereby notifies the Court and the parties that The Disciplinary Board of the Supreme Court of Pennsylvania has recently undergone a change in composition and thus new parties are being substituted in their official capacity.

1. At the time this suit was filed, the following defendants held the following positions on the Board:

- a. James C. Haggerty, Board Chair
- b. John F. Cordisco, Board Vice-Chair
- c. John P. Goodrich, Member
- d. Jerry M. Lehocky, Member

2. As of April 1, 2021, Haggerty and Cordisco no longer hold any official capacity on The Disciplinary Board. Instead, Goodrich was appointed Board Chair, and Lehocky was appointed Board Vice-Chair.

3. As of April 1, 2021, two additional persons were appointed to serve as Members of The Disciplinary Board following Goodrich's and Lehocky's appointment to Chair and Vice-Chair, Robert J. Mongeluzzi and Shohin H. Vance.

4. Under Rule 25(d), when a party in an official capacity resigns or otherwise ceases to hold office, the "successor is automatically substituted" and "[l]ater proceedings should be in the substituted party's name[.]" Fed. R. Civ. P. 25(d). "No substitution order or motion is necessary." *Chandler v. DeJoy*, 2021 WL 673289, 2021 U.S. Dist. LEXIS 32677, at *1 n.1 (D. Ariz. Feb. 22, 2021) (quoting 1 Gensler, FEDERAL RULES OF CIVIL PROCEDURE, RULES AND COMMENTARY, Rule 25, at 733 (2020)); accord *Kuelbs v. Hill*, 615 F.3d 1037, 1042 (8th Cir. 2010).

5. Given that Haggerty, Cordisco, Goodrich, and Lehocky were sued in their official capacity as members of The Disciplinary Board, that they no longer serve in those roles or serve in different roles, and that Mongeluzzi and Vance are now Members of The Disciplinary Board, Greenberg notifies the Court and parties of this substitution.

6. The full caption of the case should now read:

ZACHARY GREENBERG,

Plaintiff,

v.

JOHN P. GOODRICH, in his official capacity as Board Chair of The Disciplinary Board of the Supreme Court of Pennsylvania; JERRY M. LEHOCKY, in his official capacity as Board Vice-Chair of The Disciplinary Board of the Supreme Court of Pennsylvania; CELESTE L. DEE, in her official capacity as Member of The Disciplinary Board of the Supreme Court of Pennsylvania; CHRISTOPHER M. MILLER, in his official capacity as Member of The Disciplinary Board of the Supreme Court of Pennsylvania; ROBERT J. MONGELUZZI, in his official capacity as Member of The Disciplinary Board of the Supreme Court of Pennsylvania; GRETCHEN A. MUNDORFF, in her official capacity as Member of The Disciplinary Board of the Supreme Court of Pennsylvania; JOHN C. RAFFERTY, JR., in his official capacity as Member of The Disciplinary Board of the Supreme Court of Pennsylvania; DION G. RASSIAS, in his official capacity as Member of The Disciplinary Board of the Supreme Court of Pennsylvania; ROBERT L. REPARD, in his official capacity as Member of The Disciplinary Board of the Supreme Court of Pennsylvania; EUGENE F. SCANLON, JR. in his official capacity as Member of The Disciplinary Board of the Supreme Court of Pennsylvania; DAVID S. SENOFF, in his official capacity as Member of The Disciplinary Board of the Supreme Court of Pennsylvania; SHOHIN H. VANCE, in his official capacity as Member of The Disciplinary Board of the Supreme Court of Pennsylvania; THOMAS J. FARRELL, in his official capacity as Chief Disciplinary Counsel of the Office of Disciplinary Counsel; RAYMOND S. WIERCISZEWSKI, in his official capacity as Deputy Chief Disciplinary Counsel of the Office of Disciplinary Counsel

Defendants.

Dated: May 24, 2021

Respectfully submitted,

/s/ Adam E. Schulman

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Attorney for Plaintiff Zachary Greenberg

APPROVED:

/s/ Chad F. Kenney

CHAD F. KENNEY, JUDGE

7/28/2021 ³

DATE